

UNOFFICIAL VERSION

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MONDAY, MAY 1, 2017

THIRTY-SECOND LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 3:00 p.m., and was called to order by Mr. Speaker McNally.

PRAYER

The proceedings were opened with prayer by Reverend Todd Chancey of Kingston United Methodist Church in Kingston, Tennessee, a guest of Senator Yager.

PLEDGE OF ALLEGIANCE

Senator Yager led the Senate in the Pledge of Allegiance to the Flag.

SALUTE TO THE FLAG OF TENNESSEE

Senator Yager led the Senate in the Salute to the Flag of Tennessee.

ROLL CALL

The roll call was taken with the following results:

Present 32

Senators present were: Bailey, Beavers, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Harper, Harris, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Southerland, Stevens, Tate, Tracy, Watson, Yager, Yarbrow and Mr. Speaker McNally--32.

COMMUNICATION

May 1, 2017

Lt. Gov. Randy McNally
1 LP
Nashville, TN 37243

RE: Monday, May 1, Wednesday, May 3 & Thursday, May 4, 2017

Dear Lt. Gov. McNally:

I will be out of the office and not able to attend Session on the days listed above.

Please approve my not being present and call me if you have any questions.

Sincerely,

/s/ Mark E. Green, M.D.
State Senator

APPROVED: Lieutenant Governor
Randy McNally

STANDING COMMITTEE REPORTS

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 462 with amendment and 1184 with amendment.

WATSON, Chairperson
May 1, 2017

The Speaker announced that he had referred Senate Bills Nos. 462 with amendment and 1184 with amendment to the Committee on Calendar.

PRESENTATION

Senator McNally presented **Senate Joint Resolution No. 258** to Chief of Police Rick Scarbrough and members of the Clinton Police Department.

PRESENTATION

Senator Hensley presented **Senate Joint Resolution No. 270** to Ms. Georgia Willow Jones, the 2017 Tennessee Tar Wars poster contest winner.

MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **Senate Bill No. 1465** be passed on first consideration, which motion prevailed.

INTRODUCTION OF BILL

The Speaker announced the following bill was filed for introduction and passed first consideration:

Senate Bill No. 1465 by Senator Bowling.

Tullahoma -- Subject to local approval, changes the date, from the first Thursday to the first Friday in February, by which the Board of Mayor and Aldermen must call for an election each year; lowers the minimum age, from 21 to 18, for a person to serve as mayor or alderman; removes requirement that members of the Board acquire surety bonds. Amends Chapter 553 of the Acts of 1903; as amended.

MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **House Bills Nos. 74, 419, 862 and 1292** be passed on first consideration, which motion prevailed.

HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced the following House Bills were transmitted to the Senate and passed first consideration:

MONDAY, MAY 1, 2017 -- 32ND LEGISLATIVE DAY

House Bill No. 74 -- Environment and Conservation, Dept. of -- As introduced, removes obsolete reporting requirement concerning the status of a cooperative effort between the commissioner and owners of property located near a scenic river. Amends TCA Title 4; Title 11 and Title 64.

House Bill No. 419 -- Employees, Employers -- As introduced, decreases the amount of time that an employee has to leave the employer's premises from 12 hours to 10 hours from the time the employee ceased working for the employer. Amends TCA Title 50.

House Bill No. 862 -- Courts, Juvenile -- As introduced, enacts the "Tennessee Zero to Five Initiative" to create five additional zero to five court programs throughout the state to be administered by the department of children's services. Amends TCA Title 16; Title 36 and Title 37.

House Bill No. 1292 -- Wine & Wineries -- As introduced, increases from eight to 12 the number of wine festivals that may be held by a winery; removes requirement that servers at wine festivals hold a server permit; removes requirement that appropriate individuals at wineries hold a manager's permit. Amends TCA Section 57-3-207; Section 57-3-221 and Section 57-3-702.

MOTION

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 408 through 418**; and **Senate Resolution No. 98** be passed on first consideration and lie over, which motion prevailed.

INTRODUCTION OF RESOLUTIONS

The Speaker announced the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 408 by Senator Watson.
Memorials, Recognition -- Wally's, 80th Anniversary.

Senate Joint Resolution No. 409 by Senator Watson.
Memorials, Recognition -- MoonPie, 100th Anniversary.

Senate Joint Resolution No. 410 by Senator Gresham.
Memorials, Recognition -- Bethpage Elementary School, National Blue Ribbon School.

Senate Joint Resolution No. 411 by Senator Gresham.
Memorials, Recognition -- Jackson Elementary School, National Blue Ribbon School.

Senate Joint Resolution No. 412 by Senator Gresham.
Memorials, Recognition -- Brentwood Middle School, National Blue Ribbon School.

Senate Joint Resolution No. 413 by Senator Gresham.
Memorials, Recognition -- Glendale Elementary School, National Blue Ribbon School.

Senate Joint Resolution No. 414 by Senator Gresham.
Memorials, Recognition -- Walnut Grove Elementary School, National Blue Ribbon School.

Senate Joint Resolution No. 415 by Senator Gresham.
Memorials, Recognition -- John P. Freeman Optional School, National Blue Ribbon School.

MONDAY, MAY 1, 2017 -- 32ND LEGISLATIVE DAY

Senate Joint Resolution No. 416 by Senator Kelsey.
Memorials, Interns -- Hannah Haley.

Senate Joint Resolution No. 417 by Senator Kelsey.
Memorials, Interns -- Myah Arnelle Revis.

Senate Joint Resolution No. 418 by Senator Tracy.
Memorials, Recognition -- Westvue Church of Christ, 50th Anniversary.

Senate Resolution No. 98 by Senator Roberts.
Memorials, Death -- David McCullough.

MOTION

Senator Norris moved, pursuant to Rule 21, **House Joint Resolutions Nos. 451 through 458 and 460 through 465; Senate Joint Resolutions Nos. 399 through 404, 406 and 407; and Senate Resolutions Nos. 79 through 97** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

RESOLUTIONS LYING OVER

The Speaker announced the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

House Joint Resolution No. 451 -- Memorials, Academic Achievement -- Salem Tailor Sullivan, Valedictorian, Trousdale County High School.

The Speaker announced that he had referred House Joint Resolution No. 451 to the Committee on Calendar.

House Joint Resolution No. 452 -- Memorials, Academic Achievement -- Ali Jordan Sullivan, Salutatorian, Trousdale County High School.

The Speaker announced that he had referred House Joint Resolution No. 452 to the Committee on Calendar.

House Joint Resolution No. 453 -- Memorials, Personal Occasion -- Roger and Shirley Turney, 50th Wedding Anniversary.

The Speaker announced that he had referred House Joint Resolution No. 453 to the Committee on Calendar.

House Joint Resolution No. 454 -- Memorials, Interns -- Daniel H. Cox.

The Speaker announced that he had referred House Joint Resolution No. 454 to the Committee on Calendar.

House Joint Resolution No. 455 -- Memorials, Death -- Ruth Holmberg.

The Speaker announced that he had referred House Joint Resolution No. 455 to the Committee on Calendar.

MONDAY, MAY 1, 2017 -- 32ND LEGISLATIVE DAY

House Joint Resolution No. 456 -- Memorials, Academic Achievement -- Westena Anderson, Salutatorian, Eagleville High School.

The Speaker announced that he had referred House Joint Resolution No. 456 to the Committee on Calendar.

House Joint Resolution No. 457 -- Memorials, Academic Achievement -- Savannah Dye, Valedictorian, Eagleville High School.

The Speaker announced that he had referred House Joint Resolution No. 457 to the Committee on Calendar.

House Joint Resolution No. 458 -- Memorials, Academic Achievement -- Emily Lewis, Valedictorian, Eagleville High School.

The Speaker announced that he had referred House Joint Resolution No. 458 to the Committee on Calendar.

House Joint Resolution No. 460 -- Memorials, Interns -- Caitlyn Connors.

The Speaker announced that he had referred House Joint Resolution No. 460 to the Committee on Calendar.

House Joint Resolution No. 461 -- Memorials, Recognition -- Tennessee Bun Company, 20th Anniversary.

The Speaker announced that he had referred House Joint Resolution No. 461 to the Committee on Calendar.

House Joint Resolution No. 462 -- Memorials, Academic Achievement -- Alexis Fulton, Salutatorian, Craigmont High School.

The Speaker announced that he had referred House Joint Resolution No. 462 to the Committee on Calendar.

House Joint Resolution No. 463 -- Memorials, Academic Achievement -- Katilyn White, Valedictorian, Craigmont High School.

The Speaker announced that he had referred House Joint Resolution No. 463 to the Committee on Calendar.

House Joint Resolution No. 464 -- Memorials, Recognition -- Minnie Lee Deakins.

The Speaker announced that he had referred House Joint Resolution No. 464 to the Committee on Calendar.

House Joint Resolution No. 465 -- Memorials, Interns -- Nicholas Martin.

The Speaker announced that he had referred House Joint Resolution No. 465 to the Committee on Calendar.

MONDAY, MAY 1, 2017 -- 32ND LEGISLATIVE DAY

Senate Joint Resolution No. 399 -- Memorials, Academic Achievement -- Anna Torrence, Valedictorian, Upperman High School.

The Speaker announced that he had referred Senate Joint Resolution No. 399 to the Committee on Calendar.

Senate Joint Resolution No. 400 -- Memorials, Academic Achievement -- Austin Houston, Salutatorian, Stone Memorial High School.

The Speaker announced that he had referred Senate Joint Resolution No. 400 to the Committee on Calendar.

Senate Joint Resolution No. 401 -- Memorials, Interns -- Caitlin Elizabeth Hughes.

The Speaker announced that he had referred Senate Joint Resolution No. 401 to the Committee on Calendar.

Senate Joint Resolution No. 402 -- Memorials, Death -- Robert D. LaPella.

The Speaker announced that he had referred Senate Joint Resolution No. 402 to the Committee on Calendar.

Senate Joint Resolution No. 403 -- Memorials, Recognition -- Jalen M. Howard, Boys and Girls Clubs of Jackson Youth of the Year.

The Speaker announced that he had referred Senate Joint Resolution No. 403 to the Committee on Calendar.

Senate Joint Resolution No. 404 -- Memorials, Recognition -- Jerry Dewayne Hurdle, Boys and Girls Club of the Hatchie River Region Youth of the Year.

The Speaker announced that he had referred Senate Joint Resolution No. 404 to the Committee on Calendar.

Senate Joint Resolution No. 406 -- Memorials, Recognition -- Tennova Healthcare Harton, 50th Anniversary.

The Speaker announced that he had referred Senate Joint Resolution No. 406 to the Committee on Calendar.

Senate Joint Resolution No. 407 -- Memorials, Recognition -- MTSU Blue Raider Debate team.

The Speaker announced that he had referred Senate Joint Resolution No. 407 to the Committee on Calendar.

Senate Resolution No. 79 -- Memorials, Academic Achievement -- Kenicia NaShay Cathey, Whitehaven High School.

MONDAY, MAY 1, 2017 -- 32ND LEGISLATIVE DAY

The Speaker announced that he had referred Senate Resolution No. 79 to the Committee on Calendar.

Senate Resolution No. 80 -- Memorials, Academic Achievement -- Tykeria Washington, Salutatorian, Pathways in Education.

The Speaker announced that he had referred Senate Resolution No. 80 to the Committee on Calendar.

Senate Resolution No. 81 -- Memorials, Academic Achievement -- Kendus Tisdale-Jeffries, Salutatorian, Memphis Academy of Science and Engineering.

The Speaker announced that he had referred Senate Resolution No. 81 to the Committee on Calendar.

Senate Resolution No. 82 -- Memorials, Academic Achievement -- Ayana Thomason, Salutatorian, The Soulsville Charter School.

The Speaker announced that he had referred Senate Resolution No. 82 to the Committee on Calendar.

Senate Resolution No. 83 -- Memorials, Academic Achievement -- Alisha Jenay Sesley, Salutatorian, Hamilton High School.

The Speaker announced that he had referred Senate Resolution No. 83 to the Committee on Calendar.

Senate Resolution No. 84 -- Memorials, Academic Achievement -- Elizabeth Germany, Valedictorian, Millington Central High School.

The Speaker announced that he had referred Senate Resolution No. 84 to the Committee on Calendar.

Senate Resolution No. 85 -- Memorials, Academic Achievement -- Alicia Middlebrooks, Salutatorian, Westwood High School.

The Speaker announced that he had referred Senate Resolution No. 85 to the Committee on Calendar.

Senate Resolution No. 86 -- Memorials, Academic Achievement -- Dominique Danielle Dowdy, Valedictorian, Hamilton High School.

The Speaker announced that he had referred Senate Resolution No. 86 to the Committee on Calendar.

Senate Resolution No. 87 -- Memorials, Academic Achievement -- Nalisha Brown, Valedictorian, Memphis Academy of Science and Engineering.

The Speaker announced that he had referred Senate Resolution No. 87 to the Committee on Calendar.

MONDAY, MAY 1, 2017 -- 32ND LEGISLATIVE DAY

Senate Resolution No. 88 -- Memorials, Academic Achievement -- Anitra Higgins, Salutatorian, Whitehaven High School.

The Speaker announced that he had referred Senate Resolution No. 88 to the Committee on Calendar.

Senate Resolution No. 89 -- Memorials, Academic Achievement -- Chamberlyn Smith, Valedictorian, Middle College High School.

The Speaker announced that he had referred Senate Resolution No. 89 to the Committee on Calendar.

Senate Resolution No. 90 -- Memorials, Academic Achievement -- Roland Lindsay Donnelly-Bullington, Salutatorian, Memphis Central High School.

The Speaker announced that he had referred Senate Resolution No. 90 to the Committee on Calendar.

Senate Resolution No. 91 -- Memorials, Academic Achievement -- Takeila Troysha Stone, Valedictorian, Westwood High School.

The Speaker announced that he had referred Senate Resolution No. 91 to the Committee on Calendar.

Senate Resolution No. 92 -- Memorials, Academic Achievement -- Taylor Dickerson, Salutatorian, Millington Central High School.

The Speaker announced that he had referred Senate Resolution No. 92 to the Committee on Calendar.

Senate Resolution No. 93 -- Memorials, Academic Achievement -- Zakiyah Walker, Valedictorian, The Soulsville Charter School.

The Speaker announced that he had referred Senate Resolution No. 93 to the Committee on Calendar.

Senate Resolution No. 94 -- Memorials, Academic Achievement -- Elizabeth Ann Mulhearn, Valedictorian, Memphis Central High School.

The Speaker announced that he had referred Senate Resolution No. 94 to the Committee on Calendar.

Senate Resolution No. 95 -- Memorials, Academic Achievement -- Yagweb Alkabsh, Salutatorian, Middle College High School.

The Speaker announced that he had referred Senate Resolution No. 95 to the Committee on Calendar.

Senate Resolution No. 96 -- Memorials, Academic Achievement -- DeAngelo Conley, Valedictorian, Carver High School.

MONDAY, MAY 1, 2017 -- 32ND LEGISLATIVE DAY

The Speaker announced that he had referred Senate Resolution No. 96 to the Committee on Calendar.

Senate Resolution No. 97 -- Memorials, Academic Achievement -- Jeffrey Wilburn, Valedictorian, Pathways In Education.

The Speaker announced that he had referred Senate Resolution No. 97 to the Committee on Calendar.

NOTICES

MESSAGE FROM THE HOUSE

April 26, 2017

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 752. The House refused to recede from its action in nonconcurring in Senate Amendment No. 1. The Speaker appointed a Conference Committee composed of Representatives Goins, Carter and Hardaway to confer with a like committee from the Senate in open conference to resolve the differences between the Bodies on House Bill No. 752.

TAMMY LETZLER,
Chief Clerk

**APPOINTMENT OF SELECT COMMITTEE
CONFERENCE COMMITTEE
ON
HOUSE BILL NO. 752**

The Speaker announced the appointment of a Conference Committee composed of Senators Gresham, Chairperson; Bowling and Stevens to confer with a like committee from the House to resolve the differences of the two Bodies on House Bill No. 752.

CONSENT CALENDAR NO. 1

Senate Joint Resolution No. 367 -- Memorials, Recognition -- Somali Heritage Month.

Senate Joint Resolution No. 368 -- Memorials, Interns -- Kendall Ray.

Senate Joint Resolution No. 369 -- Memorials, Interns -- Maranda Kaufman.

Senate Joint Resolution No. 370 -- Memorials, Interns -- Thomas Wiegand.

Senate Joint Resolution No. 371 -- Memorials, Recognition -- Division of Property Assessments, 50th Anniversary.

Senate Joint Resolution No. 372 -- Memorials, Heroism -- Harold Hogue.

Senate Joint Resolution No. 373 -- Memorials, Recognition -- Greeneville Town Hall, 50th Anniversary.

MONDAY, MAY 1, 2017 -- 32ND LEGISLATIVE DAY

Senate Joint Resolution No. 374 -- Memorials, Recognition -- Travis France, Tennessee Colleges of Applied Technology Outstanding Student of the Year.

Senate Joint Resolution No. 375 -- Memorials, Personal Occasion -- Virgie Gray, 100th Birthday.

Senate Joint Resolution No. 376 -- Memorials, Professional Achievement -- The Greeneville Sun.

Senate Joint Resolution No. 377 -- Memorials, Interns -- Urias Christopher "Irish" Furbush.

Senate Joint Resolution No. 378 -- Memorials, Death -- James Dewey Daane.

House Joint Resolution No. 361 -- Memorials, Professional Achievement -- John Edd Wampler.

House Joint Resolution No. 363 -- Memorials, Academic Achievement -- Shanquaneake Thompson, Douglass High School graduate.

House Joint Resolution No. 365 -- Memorials, Recognition -- Liberty Elementary School, 20th Anniversary.

Senator Massey moved that all Senate Joint Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Bailey, Beavers, Bell, Bowling, Briggs, Dickerson, Gardenhire, Gresham, Haile, Harper, Harris, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Southerland, Stevens, Tate, Tracy, Watson, Yager, Yarbrow and Mr. Speaker McNally--31.

A motion to reconsider was tabled.

CONSENT CALENDAR NO. 2

Senate Resolution No. 53 -- General Assembly, Statement of Intent or Position -- Supports inclusion of Chickamauga Hydroelectric Project on National Register of Historic Places.

Senator Massey moved that all Senate Resolutions be adopted, which motion prevailed by the following vote:

Ayes	29
Noes	0

Senators voting aye were: Bailey, Beavers, Bell, Bowling, Briggs, Dickerson, Gardenhire, Gresham, Haile, Harper, Harris, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Massey, Norris, Overbey, Roberts, Southerland, Stevens, Tate, Tracy, Watson, Yager, Yarbrow and Mr. Speaker McNally--29.

A motion to reconsider was tabled.

CALENDAR

Senator Kyle moved that **Senate Bill No. 1109** be referred to the Committee on Finance, Ways and Means, which motion prevailed.

Senate Bill No. 1180 -- Abortion -- As introduced, enacts the "Tennessee Infants Protection Act," which prohibits abortion of a viable fetus except in a medical emergency and requires testing to determine viability if a woman is at least 20 weeks pregnant. Amends TCA Title 39, Chapter 15, Part 2.

Senator Kelsey moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. This act shall be known and may be cited as the "Tennessee Infants Protection Act."

SECTION 2. Tennessee Code Annotated, Section 39-15-201(c)(3), is amended by deleting the subdivision in its entirety.

SECTION 3. Tennessee Code Annotated, Title 39, Chapter 15, Part 2, is amended by adding the following new sections:

39-15-211.

(a) As used in this section and in § 39-15-212:

(1) "Abortion" means the use of any instrument, medicine, drug, or any other substance or device with intent to terminate the pregnancy of a woman known to be pregnant with intent other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead fetus;

(2) "Gestational age" or "gestation" means the age of an unborn child as calculated from the first day of the last menstrual period of a pregnant woman;

(3) "Medical emergency" means a condition that, in the physician's good faith medical judgment, based upon the facts known to the physician at the time, so complicates the woman's pregnancy as to necessitate the immediate performance or inducement of an abortion in order to prevent the death of the pregnant woman or to avoid a serious risk of the substantial and irreversible impairment of a major bodily function of the pregnant woman that delay in the performance or inducement of the abortion would create;

(4) "Pregnant" means the human female reproductive condition, of having a living unborn child within her body throughout the entire embryonic and fetal stages of the unborn child from fertilization to full gestation and childbirth;

(5) "Serious risk of the substantial and irreversible impairment of a major bodily function" means any medically diagnosed condition that so complicates the pregnancy of the woman as to directly or indirectly cause the substantial and irreversible impairment of a major bodily function. Such conditions include pre-eclampsia, inevitable abortion, and premature rupture of the membranes and, depending upon the circumstances, may also include, but are not limited to, diabetes and multiple sclerosis, but does not include any condition relating to the woman's mental health;

(6) "Unborn child" means an individual living member of the species, homo sapiens, throughout the entire embryonic and fetal stages of the unborn child from fertilization to full gestation and childbirth; and

(7) "Viable" and "viability" mean that stage of fetal development when the unborn child is capable of sustained survival outside of the womb, with or without medical assistance.

(b)(1) No person shall purposely perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman when the unborn child is viable.

(2) It shall be an affirmative defense to any criminal prosecution brought under subdivision (b)(1) that the abortion was performed or induced, or attempted to be performed or induced, by a licensed physician and that the physician determined, in the physician's good faith medical judgment, based upon the facts known to the physician at the time, that either:

(A) The unborn child was not viable; or

(B) The abortion was necessary to prevent the death of the pregnant woman or to prevent serious risk of substantial and irreversible impairment of a major bodily function of the pregnant woman. No abortion shall be deemed authorized under this subdivision (b)(2)(B) if performed on the basis of a claim or a diagnosis that the woman will engage in conduct which would result in her death or substantial and irreversible impairment of a major bodily function or for any reason relating to her mental health.

(3) Except in a medical emergency that prevents compliance with the viability determination required by § 39-15-212, the affirmative defense set forth in subdivision (b)(2)(A) does not apply unless the

physician who performs or induces, or attempts to perform or induce, the abortion makes the viability determination required by § 39-15-212 and, based upon that determination, certifies in writing that, in such physician's good faith medical judgment, the unborn child is not viable.

(4) Except in a medical emergency that prevents compliance with one (1) or more of the following conditions, the affirmative defense set forth in subdivision (b)(2)(B) does not apply unless the physician who performs or induces, or attempts to perform or induce, the abortion complies with each of the following conditions:

(A) The physician who performs or induces, or attempts to perform or induce, the abortion certifies in writing that, in such physician's good faith medical judgment, based upon the facts known to the physician at the time, the abortion is necessary to prevent the death of the pregnant woman or to prevent a serious risk of the substantial and irreversible impairment of a major bodily function of the pregnant woman;

(B) Another physician who is not associated in a practice with the physician who intends to perform or induce the abortion certifies in writing that, in such physician's good faith medical judgment, based upon the facts known to the physician at the time, the abortion is necessary to prevent the death of the pregnant woman or to prevent a serious risk of the substantial and irreversible impairment of a major bodily function of the pregnant woman;

(C) The physician performs or induces, or attempts to perform or induce, the abortion in a hospital that has appropriate neonatal services for premature infants. This requirement does not apply if there is no hospital within thirty (30) miles with neonatal services and the physician who intends to perform or induce the abortion has admitting privileges at the hospital where the abortion is to be performed or induced;

(D) The physician who performs or induces, or attempts to perform or induce, the abortion terminates or attempts to terminate the pregnancy in the manner that provides the best opportunity for the unborn child to survive, unless that physician determines, in such physician's good faith medical judgment, based upon the facts known to the physician at the time, that the termination of the pregnancy in that manner poses a significantly greater risk of the death of the pregnant woman or a significantly greater risk of the substantial and irreversible impairment of a major bodily function of the pregnant woman than would other available methods of abortion;

(E) The physician certifies in writing the available methods or techniques considered and the reasons for choosing the method or technique employed; and

(F) The physician who performs or induces, or attempts to perform or induce, the abortion has arranged for the attendance in the same room in which the abortion is to be performed or induced, or attempted to be performed or induced, at least one (1) other physician who is to take control of, provide immediate medical care for, and take all reasonable steps necessary to preserve the life and health of the unborn child immediately upon the child's complete expulsion or extraction from the pregnant woman.

(5) For purposes of this section, there shall be a rebuttable presumption that an unborn child of at least twenty-four (24) weeks gestational age is viable.

(6) A violation of subdivision (b)(1) is a Class C felony.

(7) The applicable licensing board shall revoke the license of any person licensed to practice a healthcare profession in this state who violates subdivision (b)(1), in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, without regard to whether the person has been charged with or has been convicted of having violated subdivision (b)(1) in a criminal prosecution. In any proceeding brought by the board of medical examiners or the board of osteopathic examination to revoke the license of a physician for violating subdivision (b)(1), a physician who has not been convicted in a criminal prosecution of having violated subdivision (b)(1) may raise the affirmative defense set forth in subdivision (b)(2).

(8) A pregnant woman upon whom an abortion is performed or induced, or attempted to be performed or induced, in violation of subdivision (b)(1) is not guilty of violating subdivision (b)(1), or of attempting to commit or conspiring to commit a violation of subdivision (b)(1).

(c) Neither this section nor § 39-15-212 repeals or limits § 39-15-202, § 39-15-209, or any other law that restricts or regulates the performance of an abortion or attempt to procure a miscarriage.

39-15-212.

(a) Except in a medical emergency that prevents compliance with this subsection (a), no physician shall perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman after the beginning of the twentieth week of pregnancy, as measured by gestational age, unless, prior to the performance or inducement of the abortion, or the attempt to perform or induce the abortion, the physician determines, in the physician's good faith medical judgment, that the unborn child is not viable. In making the good faith medical determination, the physician shall perform a medical examination of the pregnant woman and assess gestational age, weight, bi-parietal diameter, and other factors that the physician in the physician's good faith medical judgement would consider in determining whether an unborn child is viable.

(b) Except in a medical emergency that prevents compliance with this subsection (b), no physician shall perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman after the beginning of her twentieth week of pregnancy (as measured by gestational age), without first entering the determination made in subsection (a) and the associated findings of the medical examination and assessment described in subsection (a) in the medical record of the pregnant woman.

(c) A violation of subsection (a) or (b) is a Class A misdemeanor.

(d) The appropriate licensing authority shall suspend, for a period of not less than six (6) months, the medical license of a physician who violates subsection (a) or (b).

SECTION 4. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end the provisions of this act shall be severable.

SECTION 5. This act shall take effect July 1, 2017, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator Roberts moved for the previous question on **Senate Bill No. 1180**, as amended, which motion prevailed.

Thereupon, **Senate Bill No. 1180**, as amended, passed its third and final consideration by the following vote:

Ayes	27
Noes	3

Senators voting aye were: Bailey, Beavers, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Ketron, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Southerland, Stevens, Tracy, Watson, Yager and Mr. Speaker McNally--27.

Senators voting no were: Harris, Kyle and Yarbro--3.

A motion to reconsider was tabled.

Senator Norris moved that **Senate Bill No. 1279** be placed on the Calendar for Monday, May 8, 2017, which motion prevailed.

Senate Bill No. 1287 -- Criminal Offenses -- As introduced, requires court clerks to send a copy of any judgment evidencing a person's conviction for exploiting an adult who is unable to manage such adult's own resources to the department of health for inclusion in a registry. Amends TCA Title 4; Title 33; Title 34; Title 38; Title 39; Title 45; Title 47; Title 68 and Title 71.

Senator Overbey declared Rule 13 on **Senate Bill No. 1287**.

Senator Kelsey moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. The executive director of the commission on aging and disability shall establish within the commission a public guardian working group that shall include representatives of the division of adult protective services of the department of human services, the council on developmental disabilities, the administrative office of the courts, the department of intellectual and developmental disabilities, the area agencies on aging and disabilities, and such other groups as the commission may deem necessary to complete its review. The working group shall examine and explore the current system of public guardians in Tennessee, as established pursuant to Tennessee Code Annotated, Title 34, Chapter 7, along with the system's existing procedures and resources. The working group shall also review the current and potential future caseloads of the program, who has access to the services of a public guardian and who does not, and what, if any, best practices are available from other states that have similar programs. The commission shall report to the general assembly by January 15, 2018, with a report that outlines the information requested to be reviewed by this working group along with recommendations, including statutory changes, designed to make the program more effective and more accessible.

SECTION 2. Tennessee Code Annotated, Section 33-2-1202(b), is amended by deleting the first sentence of the subsection and substituting instead the following:

Each organization shall have a criminal background check completed on any employee or volunteer who will be in a position that involves providing direct contact with or direct responsibility for service recipients. The background check shall be completed before allowing the person to have any direct contact with or direct responsibility for service recipients.

SECTION 3. Tennessee Code Annotated, Section 68-11-256, is amended by deleting the section and substituting instead the following:

(a) All nursing homes, as defined in § 68-11-201, and assisted-care living facilities, as defined in § 68-11-201, shall have a criminal background check completed prior to employing any person who will be in a position that involves providing direct care to a resident or patient.

(b) Any person who applies for employment in a position that involves providing direct care to a resident or patient in such a facility shall consent to any of the following:

(1) Provide past work and personal references to be checked by the nursing home or assisted-care living facility;

(2) Agree to the release and use of any and all information and investigative records necessary for the purpose of verifying whether the individual has been convicted of a criminal offense in this state, to either the assisted-care living facility or nursing home, or its agent, or to any agency that contracts with this state, or to any law enforcement agency, or to any other legally authorized entity;

(3) Supply a fingerprint sample and submit to a state criminal history records check to be conducted by the Tennessee bureau of investigation, or a state and federal criminal history records check to be conducted by the Tennessee bureau of investigation and the federal bureau of investigation; or

(4) Release any information required for a criminal background investigation by a professional background screening organization or criminal background check service or registry.

(c) A nursing home or an assisted-care living facility shall not disclose criminal background check information obtained under subsection (b) to a person who is not involved in evaluating a person's employment, except as required or permitted by state or federal law.

(d) Any costs incurred by the Tennessee bureau of investigation, professional background screening organization, law enforcement agency, or other legally authorized entity, in conducting the investigations of applicants may be paid by the nursing home, the assisted-care living facility, or any agency that contracts with this state requesting the investigation and information, or the individual who seeks employment or is employed. Payments of the costs to the Tennessee bureau of investigation are to be made in accordance with §§ 38-6-103 and 38-6-109. The costs of conducting criminal background checks shall be an allowable cost under the state medicaid program, if paid for by the nursing home.

(e) This section shall also apply to any company, organization, or agency that provides or arranges for the supply of direct care staff to any assisted-care living facility or nursing home licensed in this state. The company, organization, or agency shall be responsible for initiating a criminal background check on any person hired by that entity for the purposes of working in a nursing home or assisted-care living facility and shall be required to report the results of the criminal background check to any facility in which the organization arranges for that individual to work upon such a request by a facility.

(f) A nursing home or assisted-care living facility that declines to employ or terminates a person based upon criminal background information provided to the facility under this section shall be immune from suit by or on behalf of that person for the termination of or the refusal to employ that person.

SECTION 4. This act shall take effect July 1, 2017, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 1287**, as amended, passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Bailey, Beavers, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Harper, Harris, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Southerland, Stevens, Tate, Tracy, Watson, Yager, Yarbrow and Mr. Speaker McNally--32.

MONDAY, MAY 1, 2017 -- 32ND LEGISLATIVE DAY

A motion to reconsider was tabled.

Senate Bill No. 1345 -- Highways, Roads and Bridges -- As introduced, requires commissioners appointed by the county legislative body to oversee bridge repairs to report all completed repairs to the county legislative body within 60 days of the repair, rather than at the next meeting of the county legislative body. Amends TCA Title 4; Title 54; Title 55 and Title 67.

On motion, Senate Bill No. 1345 was made to conform with **House Bill No. 106**.

On motion, House Bill No. 106, on same subject, was substituted for Senate Bill No. 1345.

On motion of Senator Bailey, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 106** passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Bailey, Beavers, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Harper, Harris, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Southerland, Stevens, Tate, Tracy, Watson, Yager, Yarbrow and Mr. Speaker McNally--32.

A motion to reconsider was tabled.

Senator Bailey moved that **Senate Bill No. 1348** be placed on the Calendar for Thursday, May 4, 2017, which motion prevailed.

Senate Bill No. 1355 -- Motor Vehicles, Titling and Registration -- As introduced, requires all license plates to bear the language "In God We Trust" upon the existing inventory of the registration plates in that particular plate category being utilized by the department of revenue. Amends TCA Title 55, Chapter 4.

Senator Bailey moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-4-103, is amended by adding the following as a new subsection:

(k)(1) An owner or lessee of a motor vehicle who has been issued, or is entitled under this chapter to be issued, a registration plate pursuant to this section, may elect in the alternative for the issuance of a registration plate that is designed in a manner to have engraved or embossed on it the language "In God We Trust" as provided in subdivision (k)(2).

(2) Beginning July 1, 2017, the commissioner shall cause to be issued registration plates issued or reissued pursuant to this section that display the language "In God We Trust" if requested pursuant to subdivision (k)(1).

MONDAY, MAY 1, 2017 -- 32ND LEGISLATIVE DAY

(3) The redesign of any registration plates with the language provided for in subdivision (k)(2) shall only be effectuated upon the existing inventory of the registration plates issued pursuant to this section without such language being utilized by the department.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to plates issued or renewed on or after July 1, 2017.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 1355**, as amended, passed its third and final consideration by the following vote:

Ayes	29
Noes	1
Present, not voting . . .	1

Senators voting aye were: Bailey, Beavers, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Southerland, Stevens, Tracy, Watson, Yager, Yarbro and Mr. Speaker McNally--29.

Senator voting no was: Harris--1.

Senator present and not voting was: Kyle--1.

A motion to reconsider was tabled.

Senator Jackson moved that **Senate Bill No. 313** be placed on the Calendar for Thursday, May 4, 2017, which motion prevailed.

Senate Bill No. 185 -- Hospitals and Health Care Facilities -- As introduced, requires the bureau of TennCare to provide prior notice to the chairs of the health committee of the house of representatives and the health and welfare committee of the senate before making pro rata reductions in payments from the nursing home assessment trust fund. Amends TCA Title 68 and Title 71.

Senator Overbey declared Rule 13 on **Senate Bill No. 185**.

Senator Crowe moved that Amendment No. 1 be placed behind Amendment No. 2, which motion prevailed.

Senator Watson moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 71-5-1002, is amended by deleting subdivision (h)(1) in its entirety and substituting instead the following:

(1) To make expenditures for nursing facility services under the TennCare program for FY 2017-2018 at the full rates for the specified fiscal year as set in accordance with § 71-5-105(a)(3)(B)-(D);

SECTION 2. Tennessee Code Annotated, Section 71-5-1003, is amended by deleting subdivision (c) in its entirety and substituting instead the following:

(c) The total aggregated amount of assessments for all nursing facilities from July 1, 2017, through June 30, 2018, shall equal four and three-quarters percent (4.75%) of the net patient service revenue. The total aggregated amount of assessment for all nursing facilities, and the annual assessment determined for each nursing facility, shall be established on July 1st of each year. Once established, neither amount shall vary during each fiscal year. Each nursing facility shall have an annual assessment amount that shall be determined as follows:

(1) Any licensed nursing home that is licensed on July 1, 2017, for fifty (50) beds or fewer shall pay an assessment rate equal to three percent (3%) of net patient service revenue, divided by all non-medicare days. The facility shall pay the per diem rate for each of its non-medicare days;

(2) Any licensed nursing home that on July 1, 2017, operates as part of a continuing care retirement community shall pay an assessment rate equal to three percent (3%) of net patient service revenue, divided by all non-medicare days. The facility shall pay the per diem rate for each of its non-medicare days;

(3) Any licensed nursing home providing fifty thousand (50,000) or greater medicaid patient days for the twelve (12) months ending December 31 of the prior year shall pay an assessment of two thousand two hundred twenty-five dollars (\$2,225) per licensed bed per year. The facility shall pay the per bed rate on all beds licensed as of July 1 of each year. This annual nursing home assessment fee, the high-volume medicaid threshold, or both can be modified if necessary to meet the redistribution test of 42 CFR 433.68(e)(2);

(4) Any new nursing home facility that is initially licensed and commences operations after July 1, 2017, shall pay in FY 2017-2018 a prorated assessment equal to two thousand two hundred twenty-five dollars (\$2,225) per licensed bed per year, prorated to accrue from the date the nursing facility became certified to participate in TennCare. The change in ownership of an existing licensed facility shall not meet the requirements of this subdivision (c)(4);

(5) Any licensed nursing home not meeting the criteria of subdivisions (c)(1)-(4) shall pay an equal per facility annual assessment amount at such amount as is necessary to ensure that the total aggregated amount of assessment for all nursing facilities from July 1, 2017, through June 30, 2018, shall equal four and three-quarters percent (4.75%) of the net patient service revenue, when such total aggregated assessment amount is established on July 1st of each year;

(6) Any excess collections of per facility annual assessments above the targeted four and three-quarters percent (4.75%) of the net patient service revenue shall be retained in the nursing home assessment trust fund account created under this part. Should actual collections of per facility annual assessments not equal the targeted four and three-quarters percent (4.75%) of the net patient service revenue, any shortfall may be made up from funds in the nursing home assessment trust fund account created under this part, or from other appropriations to the TennCare program; and

(7) Any facility that ceases to be licensed by the department of health shall not be required to pay assessment fees accruing after the date of its licensure termination.

SECTION 3. Tennessee Code Annotated, Section 71-5-1004, is amended by deleting the section in its entirety and substituting instead the following:

(a) Upon enactment of the assessment fee pursuant to this part, the bureau of TennCare shall make increased payments to nursing facilities for FY 2017-2018 as part of a transition to a full acuity-based reimbursement system.

(b)(1) During FY 2017-2018, the bureau of TennCare shall make a supplemental transitional payment to nursing facilities for the transition to an acuity-based reimbursement system, which exceeds the amount of nursing home medicaid rates, in the aggregate, as calculated in accordance with the approved state medicaid plan in effect on July 1, 2017.

(2) The total aggregated amount of funds available for this supplemental payment shall be equal to the difference between:

(A) The aggregated amount of nursing home trust fund assessments scheduled to be paid by all nursing homes during FY 2017-2018; and

(B) The total amount of nursing home privilege tax paid by all nursing homes during FY 2013-2014.

(c) The supplemental transitional payments shall be allocated as follows, in consultation with the Tennessee Health Care Association:

(1) Thirty-three and one third percent (33 $\frac{1}{3}$ %) allocated in the same manner as the FY 2014-2015 acuity payment;

(2) Thirty-three and one third percent (33 $\frac{1}{3}$ %) allocated strictly based on medicaid day-weighted CMI score; and

(3) Thirty-three and one third percent (33 $\frac{1}{3}$ %) allocated based on quality measures adopted by the bureau of TennCare and the Tennessee Health Care Association.

SECTION 4. Tennessee Code Annotated, Section 71-5-1005, is amended by adding at the end of subsection (b) the following language:

However, § 71-5-1413 shall constitute the exclusive authority for rulemaking by the bureau of TennCare regarding the transition to an acuity-based nursing home reimbursement system when both acuity and quality supplemental transition payments as described in § 71-5-1004 are transitioned into the medicaid per diem rates of that nursing home reimbursement system.

SECTION 5. Tennessee Code Annotated, Section 71-5-1006, is amended by deleting in subsection (c)(1) the date "July 1, 2016" and substituting instead "July 1, 2017".

SECTION 6. Tennessee Code Annotated, Section 71-5-1413, is amended by deleting subsection (e) and substituting instead the following:

(e) When both acuity and quality supplemental transition payments as described in § 71-5-1004 are transitioned into the medicaid per diem rates of the nursing home reimbursement system, the bureau of TennCare is authorized to adopt rules necessary to implement a new nursing home reimbursement system, subject to the following limitations:

(1) Any rules promulgated by the bureau of TennCare under this subsection (e) shall be developed in consultation with the comptroller of the treasury and with the Tennessee Health Care Association; and

(2) Any rules or regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5; provided, however, that the bureau of TennCare shall not promulgate emergency rules under this subsection (e) as authorized in § 4-5-208.

SECTION 7. This act shall take effect July 1, 2017, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

On motion of Senator Crowe, Amendment No. 1 was withdrawn.

Thereupon, **Senate Bill No. 185**, as amended, passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Bailey, Beavers, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Harper, Harris, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Southerland, Stevens, Tate, Tracy, Watson, Yager, Yarbrow and Mr. Speaker McNally--32.

A motion to reconsider was tabled.

Senate Bill No. 332 -- Employees, Employers -- As introduced, decreases the amount of time that an employee has to leave the employer's premises from 12 hours to 10 hours from the time the employee ceased working for the employer. Amends TCA Title 50.

MONDAY, MAY 1, 2017 -- 32ND LEGISLATIVE DAY

On motion, Senate Bill No. 332 was made to conform with **House Bill No. 419**.

On motion, House Bill No. 419, on same subject, was substituted for Senate Bill No. 332.

On motion of Senator Johnson, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 419** passed its third and final consideration by the following vote:

Ayes	29
Noes	0
Present, not voting . . .	1

Senators voting aye were: Bailey, Beavers, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Harper, Harris, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Roberts, Southerland, Stevens, Tracy, Watson, Yager and Mr. Speaker McNally--29.

Senator present and not voting was: Yarbrow--1.

A motion to reconsider was tabled.

Senate Bill No. 904 -- Taxes, Real Property -- As introduced, redefines "farm property" for classification and assessment of property tax. Amends TCA Title 1; Title 43 and Title 67, Chapter 5.

Senator Norris declared Rule 13 on **Senate Bill No. 904**.

Senator Yager moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Section 1 and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-5-501(3), is amended by deleting the word "agriculture" and substituting instead the phrase "agriculture as defined in §§ 1-3-105(2) and 43-1-113".

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 904**, as amended, passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Bailey, Beavers, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Harper, Harris, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Southerland, Stevens, Tate, Tracy, Watson, Yager, Yarbrow and Mr. Speaker McNally--32.

A motion to reconsider was tabled.

Senate Bill No. 1000 -- Pensions and Retirement Benefits -- As introduced, establishes pension stabilization reserve trusts for the hybrid and legacy retirement plans; makes other related changes. Amends TCA Title 8, Chapter 36, Part 9 and Title 9, Chapter 4.

Senator Overbey declared Rule 13 on **Senate Bill No. 1000**.

Senator Kelsey declared Rule 13 on **Senate Bill No. 1000**.

On motion, Senate Bill No. 1000 was made to conform with **House Bill No. 1373**.

On motion, House Bill No. 1373, on same subject, was substituted for Senate Bill No. 1000.

On motion of Senator Watson, Amendment No. 1 was withdrawn.

On motion of Senator Watson, Amendment No. 2 was withdrawn.

Senator Watson moved to amend as follows:

AMENDMENT NO. 3

AMEND by deleting the amendatory language of Section 5 and by substituting instead the following:

(a)(1) Every employer participating in the hybrid plan shall contribute each year a sum equal to the greater of:

(A) The normal contribution rate and the accrued liability contribution rate as determined pursuant to subsection (b), multiplied by the earnable compensation of all its participating employees; or

(B) Four percent (4%) of the earnable compensation of all its participating employees, except as otherwise provided in subdivision (a)(3).

(2) All employer contributions shall be deposited to the hybrid plan benefits trust account until such time as the pension stabilization reserve trust takes effect as provided in § 9-4-5701. Once the trust takes effect, any employer contributions made in excess of the actuarial rate determined pursuant to subsection (b) shall be deposited into the pension stabilization reserve trust fund established pursuant to § 9-4-5701.

(3) Employer contributions for kindergarten through twelfth (K-12) grade teachers shall be paid by the respective local education agency for which the teachers are employed. Employer contributions for political subdivision employees shall be paid by the respective participating political subdivision. Notwithstanding any other law to the contrary, the director of the retirement system is authorized, at the director's sole discretion, to determine the amount of employer contributions, if any, that must be paid by a local education agency into the stabilization reserve trust account or to the pension stabilization reserve trust fund pursuant to § 8-36-920; provided, that the amount shall not exceed the amount that would otherwise be required. The director of the retirement system is further authorized, at the director's sole discretion, to determine the amount of employer contributions, if any, that must be paid by a participating political subdivision into its individual pension stabilization reserve trust fund pursuant to § 8-36-920; provided, that the amount shall not exceed the amount that would otherwise be required.

MONDAY, MAY 1, 2017 -- 32ND LEGISLATIVE DAY

(4) Notwithstanding this section, if deposits of employer contributions attributable to federal funds are prohibited to be made to the stabilization reserve trust account or to the pension stabilization reserve trust fund pursuant to § 8-36-920(d)(2), the employer contributions attributable to those funds shall be based solely on subdivision (a)(1)(A).

(5) Notwithstanding this section, employer contributions shall be based solely on subdivision (a)(1)(A) on July 1 of any given year for an employer whose deposits into the stabilization reserve trust account are suspended pursuant to § 8-36-920(g) or whose deposits into the pension stabilization reserve trust fund are suspended pursuant to § 9-4-5705. Nothing in this subdivision (a)(5) shall be deemed to give any participating employer or any participant a valid claim or cause of action for refund or credit for any sum or sums paid or to be paid to the hybrid plan or to the pension stabilization reserve trust fund.

On motion, Amendment No. 3 was adopted.

Thereupon, **House Bill No. 1373**, as amended, passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Bailey, Beavers, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Harper, Harris, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Southerland, Stevens, Tate, Tracy, Watson, Yager, Yarbrow and Mr. Speaker McNally--32.

A motion to reconsider was tabled.

Senate Bill No. 1270 -- Health Care -- As introduced, changes from July 1 to February 1 the deadline for the board for licensing healthcare facilities and the emergency medical services board, in collaboration with the committee on pediatric emergency care, to submit a report on the current status of emergency medical services for children and on continuing efforts to improve such services to the health and welfare committee of the senate and to the health committee of the house of representatives. Amends TCA Title 68, Chapter 140, Part 3.

On motion, Senate Bill No. 1270 was made to conform with **House Bill No. 1271**.

On motion, House Bill No. 1271, on same subject, was substituted for Senate Bill No. 1270.

On motion of Senator Crowe, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 1271** passed its third and final consideration by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Bailey, Beavers, Bell, Bowling, Briggs, Crowe, Dickerson, Gresham, Haile, Harper, Harris, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg,

MONDAY, MAY 1, 2017 -- 32ND LEGISLATIVE DAY

Massey, Niceley, Norris, Overbey, Roberts, Southerland, Stevens, Tate, Tracy, Yager, Yarbrow and Mr. Speaker McNally--30.

A motion to reconsider was tabled.

Senator Johnson moved that **Senate Bill No. 358** be placed on the Calendar for Monday, May 8, 2017, which motion prevailed.

Senator Jackson moved that **Senate Bill No. 512** be placed on the Calendar for Thursday, May 4, 2017, which motion prevailed.

Senate Bill No. 688 -- Wine & Wineries -- As introduced, increases from eight to 12 the number of wine festivals that may be held by a winery; removes requirement that servers at wine festivals hold a server permit; removes requirement that appropriate individuals at wineries hold a manager's permit. Amends TCA Section 57-3-207; Section 57-3-221 and Section 57-3-702.

On motion, Senate Bill No. 688 was made to conform with **House Bill No. 1292**.

On motion, House Bill No. 1292, on same subject, was substituted for Senate Bill No. 688.

House Bill No. 1292 passed its third and final consideration by the following vote:

Ayes	26
Noes	0

Senators voting aye were: Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Harper, Harris, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Stevens, Tate, Tracy, Yager, Yarbrow and Mr. Speaker McNally--26.

A motion to reconsider was tabled.

Senator Yager moved that **Senate Bill No. 702** be placed on the Calendar for Wednesday, May 3, 2017, which motion prevailed.

Senator Harper moved that **Senate Bill No. 705** be placed on the Calendar for Wednesday, May 3, 2017, which motion prevailed.

Senator Lundberg moved that **Senate Bill No. 1079** be placed on the Calendar for Monday, May 8, 2017, which motion prevailed.

MESSAGE CALENDAR

Senator Crowe moved that **Senate Bill No. 125** be placed on the last Message Calendar for 2017, which motion prevailed.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 192 -- Education -- As introduced, modifies current language from requiring full fire drills to occur once in the first 30 days of the school year and one every two months to require such drills to occur four times each year with the first one occurring in the first 14 full school days and the remaining to occur unannounced. Amends TCA Title 49 and Title 68, Chapter 102, Part 1.

MONDAY, MAY 1, 2017 -- 32ND LEGISLATIVE DAY

Senator Jackson moved that the Senate refuse to recede from its action in adopting Senate Amendment No. 1 to **House Bill No. 192**, which motion prevailed.

MOTION

Senator Watson moved that Rule 83 be suspended for the purpose of allowing the Committee on Finance, Ways and Means to meet Wednesday, May 3, 2017, at 8:30 a.m.; and placing **Senate Bills Nos. 398, 438, 595, 599, 641, 887 and 1109** on the calendar for the Committee on Finance, Ways and Means for Wednesday, May 3, 2017, which motion prevailed.

MOTION

Senator Watson moved that Rule 83(8) be suspended for the purpose of placing **Senate Bills Nos. 15, 39, 132, 192, 197, 205, 248, 249, 251, 292, 306, 307, 350, 364, 366, 374, 381, 388, 396, 400, 432, 505, 538, 562, 564, 574, 585, 618, 720, 822, 824, 825, 1040, 1041, 1050, 1059, 1104, 1118, 1136, 1174, 1185, 1224, 1226, 1227, 1248, 1249, 1255, 1257, 1268, 1274, 1277, 1330, 1331, 1343, 1351 and 1426**; and **House Joint Resolution No. 31** on the calendar for the Committee on Finance, Ways and Means for Tuesday, May 2, 2017, which motion prevailed.

MOTION

On motion of Senator Crowe, his name was added as prime sponsor of **Senate Bill No. 10**.

On motion of Senator Tracy, his name was added as prime sponsor of **Senate Bill No. 14**.

On motion of Senator Kelsey, his name was added as prime sponsor of **Senate Bill No. 15**.

On motion of Senator Crowe, his name was added as sponsor of **Senate Bill No. 152**.

On motion of Senator Yager, his name was added as sponsor of **Senate Bill No. 185**.

On motion of Senators Crowe, Niceley and Stevens, their names were added as sponsors of **Senate Bill No. 904**.

On motion of Senator Stevens, his name was added as sponsor of **Senate Bill No. 1000**.

On motion of Senator Jackson, his name was added as sponsor of **Senate Bill No. 1180**.

On motion of Senator Dickerson, his name was added as sponsor of **Senate Bill No. 1279**.

On motion of Senator Hensley, his name was added as sponsor of **Senate Bill No. 1355**.

On motion of Senator Southerland, his name was added as sponsor of **Senate Joint Resolution No. 371**.

On motion of Senators Haile, Harper, Bailey, Beavers, Bell, Bowling, Briggs, Crowe, Gardenhire, Gresham, Harris, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Southerland, Stevens, Tate, Tracy, Watson, Yager and Mr. Speaker McNally, their names were added as sponsors of **Senate Joint Resolution No. 378**.

MONDAY, MAY 1, 2017 -- 32ND LEGISLATIVE DAY

On motion of Mr. Speaker McNally; and Senators Massey, Overbey and Yager, their names were added as sponsors of **House Joint Resolution No. 361**.

ENGROSSED BILLS

May 1, 2017

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined: Senate Bills Nos. 185, 904, 1180, 1287 and 1355; and Senate Joint Resolutions Nos. 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377 and 378; and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON,
Deputy Chief Clerk

MESSAGE FROM THE HOUSE

May 2, 2017

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 174, 647, 975, 1164, 1288, 1296, 1424, 1426, 1434, 1436, 1443, 1445, 1446 and 1452; passed by the House.

TAMMY LETZLER,
Chief Clerk

MESSAGE FROM THE HOUSE

May 2, 2017

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 466, 467, 468, 469, 470, 471, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483 and 486; adopted, for the Senate's action.

TAMMY LETZLER,
Chief Clerk

MESSAGE FROM THE HOUSE

May 1, 2017

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 55, 62, 69, 73, 77, 83, 84, 92, 102, 241 and 394; substituted for House Bills on same subjects and passed by the House.

TAMMY LETZLER,
Chief Clerk

MESSAGE FROM THE HOUSE

May 1, 2017

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 106, 162, 242, 413, 454, 469, 473, 527, 723, 740, 798, 921, 951, 1077 and 1262; substituted for House Bills on same subjects and passed by the House.

TAMMY LETZLER,
Chief Clerk

MONDAY, MAY 1, 2017 -- 32ND LEGISLATIVE DAY

MESSAGE FROM THE HOUSE

May 1, 2017

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 91, 343, 358, 359, 360, 361, 362, 363, 364, 365 and 366; concurred in by the House.

TAMMY LETZLER,
Chief Clerk

MESSAGE FROM THE HOUSE

May 1, 2017

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 111, concurred in by the House.

TAMMY LETZLER,
Chief Clerk

ENROLLED BILLS

May 1, 2017

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Bills Nos. 482, 523, 1206, 1209, 1214, 1223 and 1265; and Senate Joint Resolutions Nos. 337, 338, 339, 340, 341, 342, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357 and 405; and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON,
Deputy Chief Clerk

ENROLLED BILLS

May 2, 2017

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Bills Nos. 55, 62, 69, 73, 77, 83, 84, 92, 102, 106, 162, 241, 242, 394, 413, 454, 469, 473, 527, 723, 740, 798, 921, 951, 1077 and 1262; Senate Joint Resolutions Nos. 91, 111, 343, 358, 359, 360, 361, 362, 363, 364, 365 and 366; and Senate Resolution No. 53; and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON,
Deputy Chief Clerk

MESSAGE FROM THE HOUSE

May 1, 2017

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 39, 63, 141, 310, 344, 348, 393, 404, 425, 439, 473, 560, 768, 873, 934, 993, 1049, 1111, 1431, 1432, 1433 and 1440; for the signature of the Speaker.

TAMMY LETZLER,
Chief Clerk

MONDAY, MAY 1, 2017 -- 32ND LEGISLATIVE DAY

MESSAGE FROM THE HOUSE

May 2, 2017

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 361, 363 and 365; for the signature of the Speaker.

TAMMY LETZLER,
Chief Clerk

SIGNED

May 1, 2017

The Speaker announced that he had signed the following: Senate Bills Nos. 482, 523, 1206, 1209, 1214, 1223 and 1265.

SIGNED

May 1, 2017

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 337, 338, 339, 340, 341, 342, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357 and 405.

SIGNED

May 2, 2017

The Speaker announced that he had signed the following: Senate Bills Nos. 55, 62, 69, 73, 77, 83, 84, 92, 102, 106, 162, 241, 242, 394, 413, 454, 469, 473, 527, 723, 740, 798, 921, 951, 1077 and 1262.

SIGNED

May 2, 2017

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 91, 111, 343, 358, 359, 360, 361, 362, 363, 364, 365 and 366; and Senate Resolution No. 53.

SIGNED

May 2, 2017

The Speaker announced that he had signed the following: House Bills Nos. 39, 63, 141, 310, 344, 348, 393, 404, 439, 473, 560, 768, 873, 934, 993, 1049, 1111, 1431, 1432, 1433 and 1440.

SIGNED

May 2, 2017

The Speaker announced that he had signed the following: House Bill No. 425.

SIGNED

May 2, 2017

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 361, 363 and 365.

MONDAY, MAY 1, 2017 -- 32ND LEGISLATIVE DAY

MESSAGE FROM THE HOUSE

May 1, 2017

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 482, 523, 1206, 1209, 1214, 1223 and 1265; signed by the Speaker.

TAMMY LETZLER,
Chief Clerk

MESSAGE FROM THE HOUSE

May 1, 2017

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 337, 338, 339, 340, 341, 342, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357 and 405; signed by the Speaker.

TAMMY LETZLER,
Chief Clerk

MESSAGE FROM THE HOUSE

May 2, 2017

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 91, 111, 343, 358, 359, 360, 361, 362, 363, 364, 365 and 366; signed by the Speaker.

TAMMY LETZLER,
Chief Clerk

REPORT OF DEPUTY CHIEF CLERK

May 1, 2017

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 337, 338, 339, 340, 341, 342, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357 and 405; for his action.

ALAN WHITTINGTON,
Deputy Chief Clerk

REPORT OF DEPUTY CHIEF CLERK

May 2, 2017

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 482, 523, 1206, 1209, 1214, 1223 and 1265; for his action.

ALAN WHITTINGTON,
Deputy Chief Clerk

MONDAY, MAY 1, 2017 -- 32ND LEGISLATIVE DAY

MESSAGE FROM THE GOVERNOR

May 2, 2017

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bills Nos. 442, 458, 511, 704, 845, 1012, 1060, 1100, 1252, 1267 and 1342; and Senate Joint Resolutions Nos. 263, 294, 332, 333, 334, 335 and 336; with his approval.

DWIGHT E. TARWATER,
Counsel to the Governor

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Wednesday, May 3, 2017: Senate Joint Resolutions Nos. 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397 and 398; Senate Resolutions Nos. 77 and 78; and House Joint Resolutions Nos. 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449 and 450.

This the 1st day of May, 2017
MASSEY, Chairperson

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Wednesday, May 3, 2017: Senate Bills Nos. 14, 214, 263, 430, 621 and 1303; Senate Joint Resolution No. 92; and Senate Bills Nos. 866, 993, 702 and 705.

This the 1st day of May, 2017
MASSEY, Chairperson

**REPORT OF COMMITTEE ON CALENDAR
MESSAGE CALENDAR**

Pursuant to Rule 44, notice has been given on the following bills and they have been set on the Message Calendar for Wednesday, May 3, 2017: House Bill No. 16.

This the 1st day of May, 2017
MASSEY, Chairperson

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, May 4, 2017: Senate Joint Resolutions Nos. 399, 400, 401, 402, 403, 404, 406 and 407; Senate Resolutions Nos. 79, 80, 81, 82, 83, 84, 85, 86, 87,

MONDAY, MAY 1, 2017 -- 32ND LEGISLATIVE DAY

88, 89, 90, 91, 92, 93, 94, 95, 96 and 97; and House Joint Resolutions Nos. 451, 452, 453, 454, 455, 456, 457, 458, 460, 461, 462, 463, 464 and 465.

This the 2nd day of May, 2017
MASSEY, Chairperson

**REPORT OF COMMITTEE ON CALENDAR
LOCAL CALENDAR**

Pursuant to Rule 26, the following bills have been set on the Consent Calendar for Thursday, May 4, 2017: Senate Bills Nos. 1437, 1449, 1452, 1453, 1459, 1460, 1461 and 1464.

This the 2nd day of May, 2017
MASSEY, Chairperson

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, May 4, 2017: Senate Bills Nos. 462, 1184, 1336, 1390, 313, 512 and 1348.

This the 2nd day of May, 2017
MASSEY, Chairperson

ADJOURNMENT

Senator Norris moved the Senate adjourn until 10:00 a.m., Wednesday, May 3, 2017, which motion prevailed.